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BRAZIL) The Priviledges of an English-
-man in the Kingdoms and Dominions of
Portugal.....To which is added the King
of Portugals New Law concerning the
Diamonds found in the BRASILS.

London./Printed in the year of our Lord,
MDCCLIX (1759).

8vo. 40 ff. A2(first a blank),B-K4,L2.

contains an account of Oliver Cromwell's Tr
reaty of Peace and some later decrees and
aws. The one re Brazil diamonds was passed
Dec. 1734 and reserved stones of 20
rats and upwards for the use of the King.

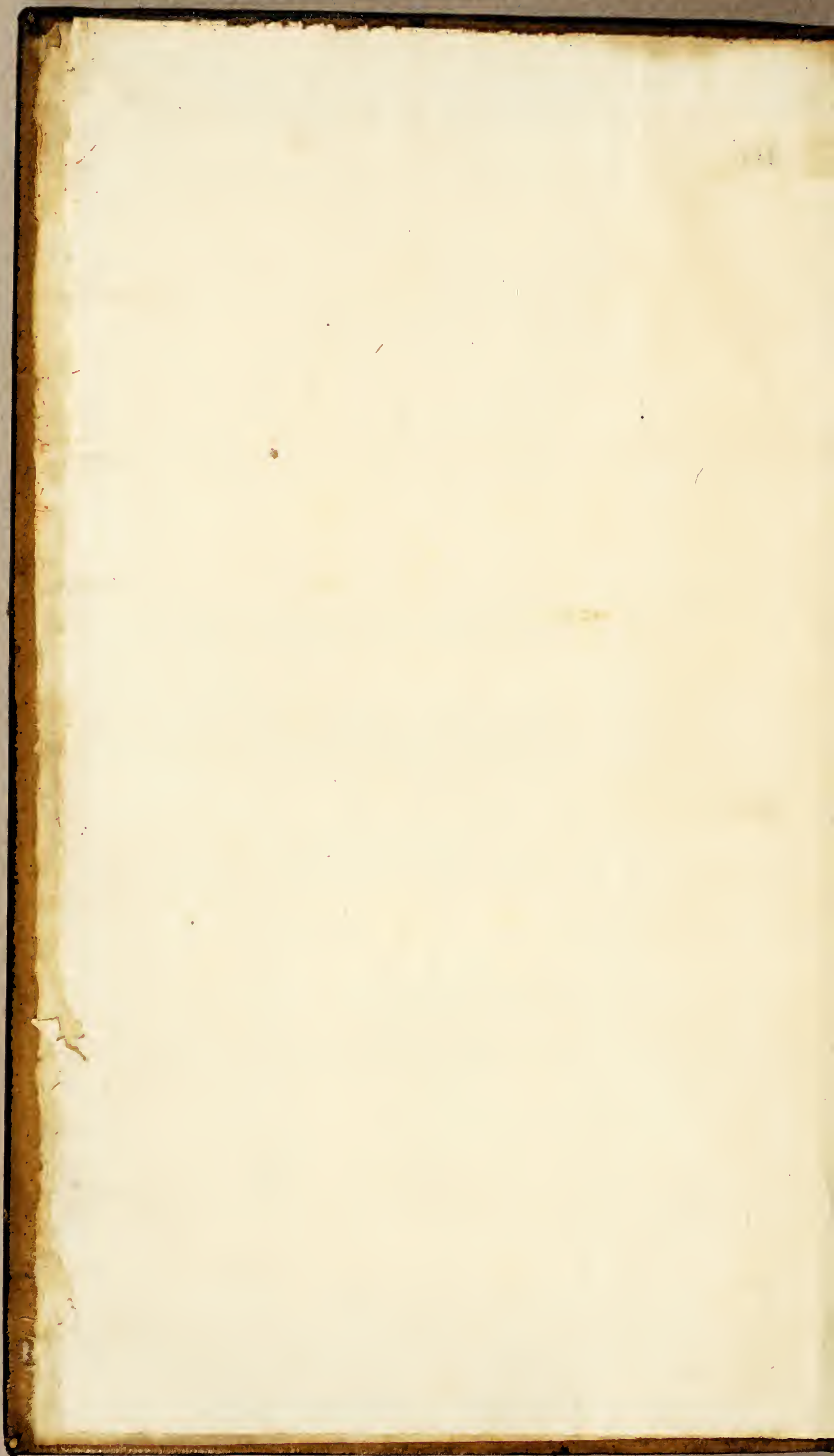
fine, large and clean copy, in old Portugues

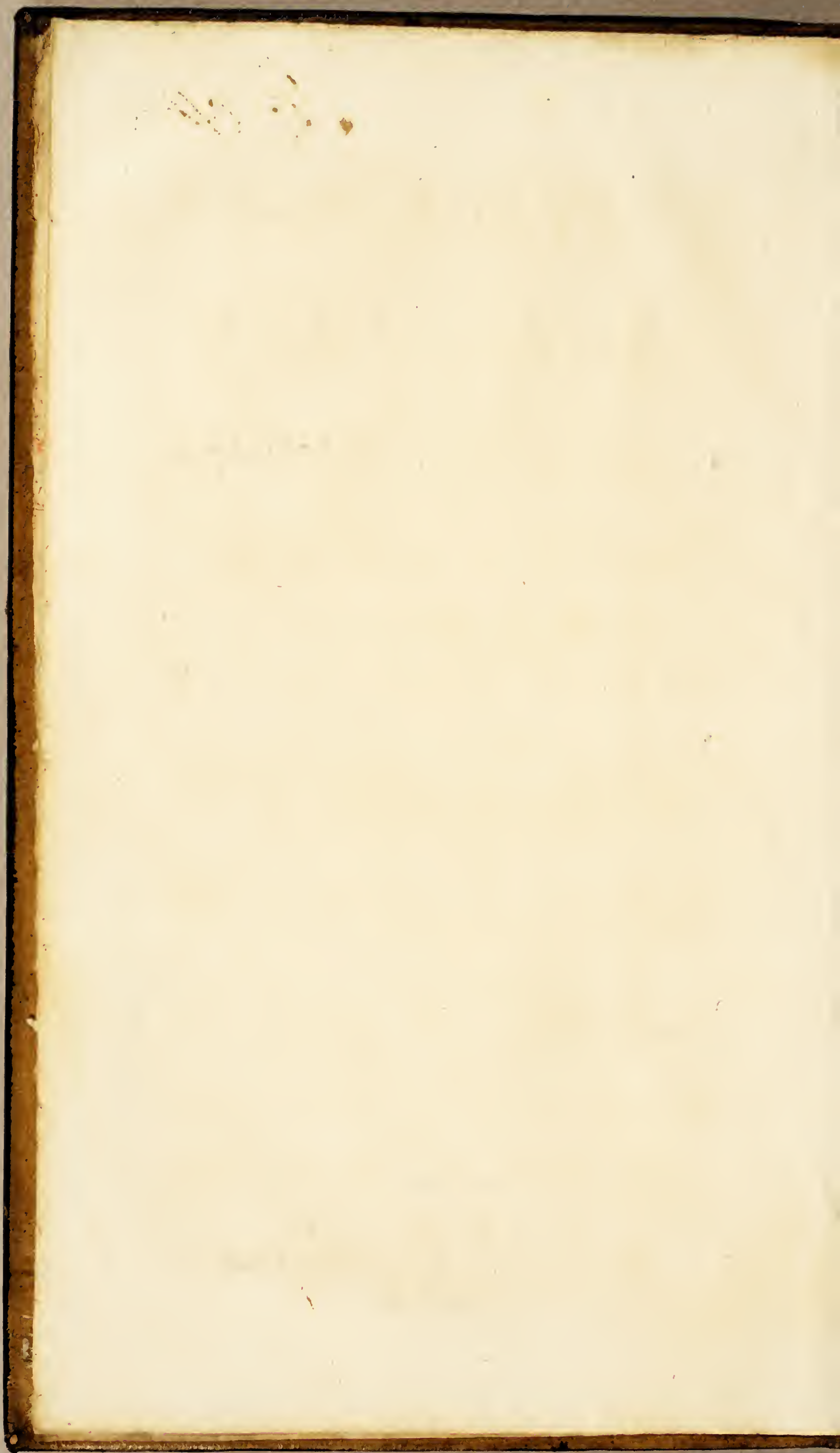
ottled calf, with the autograph on title

f. John Croft (1732-1820), the famous

ntiquary and his printed ex-libris book

abel on inner cover.





THE *Bras*
PRIVILEGES
OF AN
ENGLISHMAN,
IN THE
KINGDOMS and DOMINIONS
OF
PORTUGAL.
CONTAINED IN THE
TREATY of PEACE
CONCLUDED BY
OLIVER CROMWELL.
AND
VARIOUS LAWS, DECREES, &c.
AT
SUNDRY TIMES, and on DIVERS OCCASIONS,
MADE BY
The KINGS of PORTUGAL,
In Favour of the ENGLISH NATION.
To which is added
The King of PORTUGAL'S NEW LAW,
CONCERNING
The DIAMONDS found in the BRASILS.
L O N D O N:
Printed in the Year of our Lord
MDCCLIX.

1844.

THE

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SIX PRELIMINARY ARTICLES,

Treated of and agreed upon between the
Ambassador Extraordinary from the King of *Portugal*,

And the

STATE COUNSELLOR of PARLIAMENT ;

In the Name of the

R E P U B L I C K of E N G L A N D.

Done in LONDON, in the Year 1652.

A R T I C L E I.

THAT between the abovesaid by the one and the other party, it is agreed, and likewise the said Ambassador has thought fit to give his word, in the name of the King, that all those Englishmen who by any means are held in custody, either upon account of securities, or pledge, or by any other means whatsoever, occasioned by the controversies arisen between the one and the other people, in any of the dominions of Portugal, who by Prince Rupert have been carried from hence, or put into its port of Lisbon, shall be delivered and set at liberty, and their securities discharged, or made of none effect.

ARTICLE II.

It was agreed with the said Ambassador, who gave his word in the name of the King, to deliver immediately the ships, monies, and goods belonging to the English, which are retained in any of the places in the dominions of the King of Portugal, that they shall be delivered without any farther delay, in the same specie, in case they remain in the same goodness and value, as they were in when they were taken and retained; and if they are become worse, or of less value or goodness in specie, or if, by reason of the detention, they are any ways decayed, and become of less worth, or if they are lost, in these cases they shall be paid for, and satisfaction shall be given for them, according to the just price or value they bore at the time they were taken. And as touching the reparation of the damages, it shall be ordered in the manner as the Counsel have declared their sentiments, by letter bearing date the 15th of November 1651. And the said Ambassador obliged himself to give satisfaction for the whole.

ARTICLE III.

It was agreed upon by the one and the other party, That all those who were the authors or helpers to kill the Englishmen mentioned in the petition, which the Counsel exhibited to the said Ambassador, who have been found or taken in any places in the dominions of the King of Portugal, or who may be found for
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the future, shall be punished by the said King, according to the merits of their crimes, or they shall be penally delivered with their accusations to the parliament to be by them chastized, and the same being subjects to the said King of Portugal, shall be punished for their malefactions, as also those who were their accomplices or abettors, and the rest of the above-mentioned of any degree or condition whatsoever, and also such as after this treaty shall be named by the Parliament of the Republic of England; and if they abscond, or run away to the ports of the said King, they shall be punished. And the said Ambassador gave his word in the name of his King, to observe this Article.

A R T I C L E IV.

It was agreed upon between the abovesaid on both parts, That the King of Portugal, in the name of, i. e. in lieu of those expences made by this Republic, the which the Counsel declared to the said Ambassador, they might, in right of this nation, liquidate from the goods of the Portuguese that were occupied or taken by reprisal, which amounted to 14246 l. 11 s. shall pay to the Parliament 50000 l. in good and lawful money of England, in the manner herein after declared, that is to say, 20,000 l. or as much Portuguese money as is equal to it in value, which shall be paid to that person whom the Parliament or Council of State may appoint to receive it in Lisbon on the first of March next ensuing, after this treaty, or within the space of one month, as it shall appear by a writing under the said Am-

bassador's hand, wherein it shall be express'd, that the said sum shall be paid in Lisbon, and afterwards shall be paid 15000 l. of the same good and lawful money of England, on the last day of the month of July, 1653, O. S. and in the like manner the last 15000 l. (which makes the sum of 50,000 l.) on the first day of the month of November, 1653, O. S. and that the two last payments shall be made here in the city of London.

IN the same Article it was agreed upon, that as to the sum which by agreement is to be paid in Lisbon money, if any thing should be wanting of the intire sum, the whole shall be made good, and paid by the said King of Portugal; because it is to be understood, that all that entire sum and quantity ought to be returned to the Parliament in good and lawful money of England; and the said Ambassador, in the name of his king, obliged himself to pay the 50,000 l. in the payments and monies above declared and represented.

A R T I C L E V.

IT was agreed upon between the one and the other parties abovesaid, That all the ships and goods of the English, which have been brought to Portugal by Rupert and Maurice, or by any of their ships, and there made use of, or are any-where there detained, left, or by their order carried from thence, shall immediately be restored to their owners; or instead thereof full satisfaction and reparation shall be made. The which above-mentioned things the said Ambassador has given his word, in

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in the name of his King, to observe and perform.

ARTICLE VI.

BETWEEN the abovesaid of the one and the other parties, it was agreed upon, That as well the ship called the Conversion, as all other ships belonging to this Republic of England, and all whatsoever vessels of this Republic, that by Rupert, or by any of the ships of his fleet, have been carried to Portugal, and are in possession of the King of Portugal, or any of his subjects, or before this have been taken and applied to use, or which by any authority have been taken as prize, shall be restored again, with all their apparel, preparations, guns, and instructions, and just recompence shall be made for the retention of them; to which the said Ambassador gave his word, in the name of his King, to perform the contents of this Article: in faith and testimony whereof, the said Ambassador has signed these six preliminary Articles with his own hand, and sealed them with his seal.

Given on the 29th Day of December,
in the Year of our Lord, 1652.

ARTICLES

(6)
A R T I C L E S
O F
PEACE, ALLIANCE, and COMMERCE,
Concluded

Between the Most Serene Lord Protector of England,
Scotland and Ireland, on the one Part ;

And the
Most Serene King of Portugal, and of the Algarves,
On the other Part.

Done at Westminster, on the 10th of July, in the Year
1654.

A R T I C L E I.

IN the first place that there shall be a good true and firm peace, between the Republic of England, and the most Serene King of Portugal, and between the regions, countries, dominions, and principalities, under the empire of the one and the other, and the people, subjects, and Inhabitants of both, of any condition, rank, or dignity whatsoever, as well by land as by sea, in rivers and fresh waters; in such manner that the people and subjects shall favour and succour one the other, with reciprocal good will, and honest affection; and that neither of the said parties, nor their people, subjects, or inhabitants, shall commit, or attempt any thing against the other, in any place, either by land or sea, or in the harbours or rivers of either; nor shall they consent to, or assist in any war, council, or treaty, to the prejudice of the other party; nor shall either of the said parties house or harbour the rebels or fugitives of the other in any of their countries, kingdoms, dominions, ports, or frontiers.

ART.

ARTICLE II.

THAT between the Republic of England and the King of Portugal and their people, subjects, and inhabitants as well by land, as by sea, in rivers and fresh-waters, in all and every one of the regions, countries, dominions, territories, provinces, islands, colonies, cities, towns, villages, ports and frontiers; there shall be free commerce in those places, in which there is at present, or has been commerce in time past; in such manner that without permit or other license, general or special, as well by land, as by sea, in rivers and fresh-waters, the people, subjects and inhabitants, of either of the parties may go, enter and navigate in the said dominions and kingdoms, and in all their cities, towns, harbours, coasts, bays, and places with carriages, horses, packs, and ships, as well loaden as to be loaden, carry merchandizes, buy, sell, and at the current prices, to procure provisions, and what necessaries they may want for their stay and voyage to repair their ships and carriages, whether their own or such as are hir'd or borrow'd, and with the same liberty to depart from thence with their goods, merchandizes, and all other things whatsoever either to their own or foreign countries, as they shall think fit; and that without any hindrance or impediment, saving however, all the laws and statutes of each place.

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ARTICLE III.

THAT the people and inhabitants of this Republic shall be at liberty to buy up all sorts of wares, goods and merchandizes, and the same to use and enjoy in the kingdoms, provinces, territories, and islands of the King of Portugal, at the first hand, either in small parcels or by wholesale, in whatsoever number and size, when and wheresoever they please; neither shall they be compelled to buy them of the Farmer of the Customs or monopolists, nor shall they be obliged to buy at any fixed price. They may also at discretion sell, traffic, and freely carry away, any sorts of goods, wares and merchandize, whatsoever, from the said kingdoms and dominions paying only the duties, and customs in the consulado due on the goods they carry out, as they were paid the 10th of March 1653-4, O. S.

And, as to their buying and selling by the intervention of brokers, the said people of this Republic, shall enjoy and use the same liberties, priviledges and exemptions as the Portuguese themselves; nor shall they be treated with more rigour, than the same inhabitants, and natives; and that which is called the ancient charter, and all the priviledges, and immunities, that heretofore have been granted to the English at any time, by all, or any of the Kings of Portugal, shall be confirmed by edicts, to the end, that the people, and natives of the said Republic may enjoy them, together with all other priviledges, and immunities, which are already granted, or shall be granted from the time to come to any nation,
king-

kingdom, or Republic, in alliance with the said King of Portugal.

ARTICLE IV.

THAT, whenever the people and natives of this Republic, arrive with their ships in the harbours of the King of Portugal, the said people and natives, shall not be constrained, by the ministers, officers, and subjects of the said King of Portugal to load, or put on board their ships, any other sorts, or quantities of goods and merchandize, but only such as shall be by them approved of; neither while they stay in the said harbours, shall there be put on board their ships, any more than two guards, or officers at most, and in the unloading their ships, there shall be no unnecessary delays. And if the said ships, which are laden with dry goods, should not be unloaded within the space of ten days, and the ships laden with fish, and provisions, within the space of 15 days, after their entrance into the port, they shall not, however, be obliged to pay any stipend, or sum of money, or any salary to the said guards, or officers, nor upon their account, be at any farther expences, more than for the said ten, or fifteen day's respectively.

ARTICLE V.

IF it should so happen that the subjects of the most Serene King of Portugal, or others, within the kingdoms, and dominions of the said King, should be imprisoned, and their goods and merchandize seized, stopped, and de-

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tained by the office of the Court of Inquisition, or by its Judges, or Ministers, or by the King's Exchequer; and should owe any money, or come to be indebted to any of the people of this Republic, the said debts shall be fully and entirely paid out of the above-said goods, and merchandize, within six months, next ensuing, after the imprisonment, and seizure of the goods as abovesaid, without hindrance, or any molestation, from the said tribunal, or its Judges, or Ministers; but, if among the said goods and merchandize, so seiz'd and held, there should remain in being, any goods and merchandize belonging to the said people, and natives, the same shall immediately be restored to them.

ARTICLE VI.

THAT the captains, masters, officers, and mariners of the ships of this Republic, or of any of its People, shall not attempt to sue, or in any wise molest, the said ships or people of this Republic, within the said kingdoms and dominions of Portugal, on account of their wages or salary, under pretence of their professing the Romish religion; nor shall they under this, or any other pretence, apply themselves to the service of the King of Portugal, or by any other means leave the ships whereunto they belong; and if they become delinquents, and offend in this point, their names being taken account of, they shall be chastised by the magistrates and officers of the place, and compelled to return to their ships, and if they cannot be found, it shall be lawful for the masters
of

of such ships, or vessels, to detain their cloaths, goods, or wages, for the satisfaction of damages.

ARTICLE VII.

THAT the Consuls, who shall hereafter reside in any part of the dominions of Portugal, for the assistance and protection of the people of this Republic, shall be from henceforward nominated, and made by the said Lord Protector, and when so nominated, they shall have and exercise the same authority, as any Consul of this, or any other nation, whatsoever, doth now, or shall hereafter exercise in the dominions of the said King, although they do not profess the Romish religion. And, for the judging of all causes relating to the people of this Republic, a Judge Conservator, shall be deputed, from whom no manner of appeal shall be granted, except to the Senate of Rellacao, where the law-suits commenced, and appealed to that Court shall be determined within the space of four months.

ARTICLE VIII.

THAT if any of the people of this Republic shall die within the kingdoms, and dominions of the most Serene King of Portugal, the books, accounts, goods and assets, belonging to them, or to others of the people of this Republic, shall not be seized or possessed by the judges of the orphans and persons absent, or by their ministers and officers, nor shall they be liable to their jurisdiction; but

the same goods, merchandize, and accounts, shall be deliver'd to the English factors, or procurators residing in that place, who are nominated, or deputed by the deceased: but, if the defunct, whilst living, did not nominate any, then the said goods, merchandize and accounts shall, by the authority of the Judge Conservator, be delivered to two or more English merchants residing in the place, and approved of by the English Consul, after having given security by unexceptionable bondsmen (who shall also be approved by the same English Consul) for restoring the said goods, merchandize and accounts, to the right owners, or to their true creditors, and the goods which shall appear to have been the deceased's, shall be delivered to his heirs, executors or creditors.

ARTICLE IX.

THAT neither the King of Portugal, nor any of his Ministers, shall detain or arrest any merchants, masters of ships, captains, or mariners; or their ships, merchandizes, or other goods which belong to this Republic, or any of its people, either for war, or any other use whatsoever, unless the Lord Protector, or those to whom such ships and goods appertain, are first apprised thereof, and give their consent; but that the said ships, men, and goods, may freely, and without hindrance or impediment from the abovesaid King or his Ministers, depart from the harbours and dominions of the said King, at their own pleasure; and that the sales of the merchandize and goods belong-

belonging to this Republic, shall not be hindered or delayed, under pretence that the King has occasion for them, or for any other reason whatsoever; nor shall they be taken for the King's use, nor for any other uses whatsoever; if the persons who are concerned in the goods do not consent thereto.

ARTICLE X.

THAT the people of the Republic of England may freely carry in their ships all sorts of goods, merchandize, and things of what kind soever, even arms, provisions, or other such like, from the harbours and dominions of the said Republic, or any other harbours or dominions whatsoever, provided they are not taken immediately from the harbours and dominions of Portugal, to be carried directly to any ports and territories whatsoever of the King of Spain; and that neither the most Serene King of Portugal, nor any of his subjects, shall hinder the said ships, goods, or men, by seizures, reprisals, or any other means whatsoever, from navigating securely to the harbours and territories of the said King of Spain, and from trading therein; and that the people of this Republic may freely carry arms, corn, fish, and all other sorts of merchandize, into the kingdoms, ports and territories of the King of Portugal, and sell the same at their pleasure, either by retail or wholesale, to any persons whatsoever, and for whatever price they can get; and they shall not be prohibited, circumscribed, or incapacitated by his said royal Majesty, or his Ministers, Governors, Farmers of the revenue,

nue, or monopolists, or by any Chamber or Jurisdiction of any Tribunal whatsoever, either public or private: And that such goods and merchandize as have once paid the customs or clearances in any port or harbour whatsoever, belonging to his Majesty, may be freely carried into any other ports or places whatsoever, of his said Majesty, without paying any farther duties, clearances, or sum of money, besides what the Portuguese merchants should pay, if the goods and merchandize did belong to them.

ARTICLE XI.

THAT the people and natives of the Republic of England shall trade and traffic freely and safely from Portugal to the Brazils, and the other conquests of the said King in the West-Indies; and from the Brazils and the said conquests to Portugal, in all sorts of goods and merchandize whatsoever (except meal, fish, wine, oil, and Brazil wood, which are prohibited by the King, in pursuance of his contract with the Brazil Company) paying the duties and customs which others pay who trade into those parts; and it is to be understood that the English ships hired by the Portuguese are to sail in company with the Portuguese fleet: And that the said people and natives arriving from any of the harbours and places in Brazil, and the said conquests, at any of the dominions of the said King whatsoever, shall not be compelled to unload their ships, or to put out any goods belonging to the English, but the officers of the customs shall cause the goods
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to be weighed while they are on board the ships, to the end that the customs and tributes due on them may be paid; and that no heavier duty or impost, nor greater sum of money, or expence, shall be demanded by, or paid to, the King's officers, than if the goods were put on shore; nor shall there be any delay in dispatching and dismissing the said ships. And after they are arrived at any of the dominions whatsoever, of the said King, and have paid the customs and duties above-mentioned, they shall freely proceed to any other harbour or place whatsoever and the goods put on board the English ships, either by the subjects of the said King, or by others, to be transported to any part whatsoever of the dominions of Portugal, shall by no means pay greater customs, or any other different duties, than if they were put on board Portuguese ships. And likewise, that the people and natives of the Republic of England shall have the liberty of navigating to the colonies, islands, regions, ports, districts, towns, villages, and dominions, belonging to the King of Portugal, in the East-Indies, Guinea, Bengal, the island of St. Thomas, or to any other part whatsoever, on the coasts and shores of Africa, and there to stay or reside, negociate, trade, and traffic by land or by sea, on the rivers and fresh waters, in any goods and merchandize whatsoever; and to transport all kinds of merchandize to any place or region, with the same freedom as formerly; and also with the same that was ever granted by any treaty heretofore, or shall hereafter be granted to the natives of any other nation, in alliance
and

and friendship with Portugal; and as to the customs and duties to be paid in those regions, they shall not pay more or heavier than those which are paid by any person or persons trading in any of the said places or regions. And likewise the King of Portugal, and his subjects, as well the Brazil Company as all others, as often as they have need of foreign ships for carrying on their trade and navigation to the Brazils, or for the regions and islands above-mentioned, or else-where, shall hire the ships of this Republic, and its people, at the usual and ordinary rates, as many as they please, and no other ships of any Prince or Republic; provided the number of English ships to be hired be sufficient to supply their wants: excepting that the Brazil Company (as is contained in the Charter of Liberties granted to them by the Kings Letters Patent) may hire of what nation soever they please, two ships of war, and four others, to be sent with fish to the Brazils; and that as well the said Brazil Company, as all other the subjects of the said King, who follow the business of merchandizing, may freely hire as many English ships as they please, and sail therein to the Brazils, and the other conquests of the said King, in the West Indies, without any licence, general or special, first to be obtained for that end; and the stipend agreed upon to be charged with the interest, shall run on, and an account thereof shall be kept till the whole is paid, tho' it should exceed the stipend on the time contracted for.

ARTICLE XII.

THAT whereas the most Serene King of Portugal, by his Rescript sealed with his seal, and dated at Lisbon the twenty-first day of January, in the year of our Lord 1641, granted to the natives of the lands under the dominion of the States of Holland, &c. free liberty of importing and exporting all sorts of merchandize to and from his kingdoms, dominions, and territories; the people of the Republic of England shall use and enjoy the same liberty in the kingdoms and dominions of the said most Serene King of Portugal.

ARTICLE XIII.

THAT none who are commonly called Alcaydes (i. e. Bailiffs) or any other officer of his royal Majesty, shall seize or arrest any of the people of this Republic, of what rank or condition soever, except in a criminal cause, being detected in any flagrant fact; unless he be first impowered in writing by the Judge Conservator; and that the aforesaid people, in all other respects, as to their persons, domesticks, and dwellings, books of accounts, interests, merchandize, and all other goods belonging to them, shall enjoy equal and the same immunity within the dominions of the most Serene King of Portugal, from imprisonment, arrests, and other molestations whatsoever, as already is, or shall hereafter be granted to any other Prince or people whatsoever, in alliance with the King of Portugal;

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nor

nor shall they be hindered by any permit or protection to be granted by the said King to his subjects, or others frequenting his dominions, from recovering their debts; but they shall have a right to sue any man to justice for the recovery of any just debt, altho' he be sheltered under the patronage, or protection of any person whatsoever, or secured by any Alvara, or written law, or whether he be a Farmer of the Revenues, or invested with any other privilege.

ARTICLE XIV.

AND forasmuch as the rights of peace and commerce would be null and useles, if the people of the Republic of England should be disturb'd for conscience sake, when they pass to and from the kingdoms and dominions of the said King of Portugal, or reside there for the sake of exchanging their merchandize: That commerce may therefore be free and secure both by land and by sea, the said King of Portugal shall take effectual care, and provide, that they be not molested by any person, court, or tribunal, upon account of the said conscience, or for having with them, or using, any English Bibles, or other books; and that it shall be free for the people of this Republic to observe and profess their own religion in private houses, together with their families, within any of the dominions of the said King of Portugal whatsoever; and the same to exercise on board their ships and vessels, as they shall think fit, without any trouble or hindrance; and finally, that a place be assigned them for the burial of
their

their dead. But withal, the English are cautioned not to exceed what is written in this article.

A R T I C L E X V.

If it shall happen hereafter, that any controversies or doubts do arise between the said Republics, which may endanger the interruption of commerce between the one and the other nation, public notice shall be given to the people and subjects of both parties, thro' all the kingdoms and provinces of both, and the space of two years, after such notice, allowed for transporting themselves, goods, ships, merchandize, and any other substance whatsoever, without any molestation, impediment, or damage offered in the mean-time, either to their persons or goods. And it shall be lawful for the said people and subjects on both sides, to whom any debts may be owing at the time of such public notice, legally to demand the same within the said two years, in the places and dominions where they are owing, and from thence-forward uninterrupted justice shall be done them, in such manner, that in effect those creditors may be able to obtain their own within the time prescribed.

A R T I C L E X V I.

If it shall happen that while this treaty, friendship and society, are subsisting, any thing be committed or attempted by any of the people or natives of either of these parties, contrary to this treaty, or any part thereof, by

land or by sea, on the rivers or fresh waters ; the friendship, confederacy, and intercourse betwixt these nations, shall not for this cause be interrupted or broken, but shall rather entirely subsist and sustain its full force, and those only in particular, who violate the said confederacy, shall be punished, and none else ; and justice shall be done, and satisfaction given to all those concerned, by all those who by land, sea, on rivers, and fresh waters, shall act or commit any thing contrary to this confederacy, in any part of Europe, or in any other place within the Streights of Gibraltar, or in America, or along the coasts of Africa, or in any of the lands, islands, seas, creeks, bays, rivers, or in any places on this side the Cape of Good Hope, within the space of one year after justice shall be demanded ; but in all places as above, beyond the said Cape, within eighteen months, after justice be required in the manner above-mentioned. And if the violators of the said confederacy don't appear, nor surrender themselves to trial, nor give satisfaction within this or that space of time now limited, according to the distance of the place, they shall be deemed as enemies to both parties, and their goods, substance, and revenues, whatsoever, shall be seized, condemned, and applied to the making of full and just satisfaction for the injuries done by them ; besides which, the offenders themselves, when they happen to be in the power of either of the parties, shall be liable to the punishments which their respective crimes deserve.

ARTICLE XVII.

IF it happens, that any controversy does arise between the said King's Inspectors, Officers, or Ministers, and the said merchants, concerning the goodness of fish, or any other sorts of provisions whatsoever, which shall be carried to any of the said King's dominions; the same shall be determined by the arbitration of good men, provided they are Portuguesse, who shall be equally chosen by the magistrate of the place, and the Consul of the English nation, and they shall determine the business in such a manner, that no damage may accrue to the owner in the meantime, while the matter is in dispute.

ARTICLE XVIII.

THAT it shall be lawful for the people, and subjects of either party, to go to the ports of the other, there to reside, and from thence to depart, with the same liberty, not only with merchant-ships, and transports; but also, with convoys and men of war, equipp'd for repelling the force of the enemy, whether they are driven there by stress of weather, or come in for refitting their ships, or for victualling them, provided they do not exceed the number of six men of war, if they come there of their own accord; nor shall they stay, or continue any longer time, than may be necessary to refit their ships, or to purchase such necessary things as they want; that peradventure they may not be the cause of interrupting

interrupting the commerce of other nations which are allied in friendship. And if at any time any unusual number of ships should chance to come to such harbours, it shall not be lawful for them to enter, without first having leave from those in whose jurisdiction such harbours may be, unless they are constrained to do it against their will, by the force of tempestuous weather, or other urgent necessity for avoiding the danger of the sea, and shipwreck; the which, if it should happen, they shall immediately shew the cause of their coming thither to the president, or chief magistrate of that place; nor shall they stay there any longer time than they are allowed by the president or magistracy of that place; nor shall they commit any hostilities in the said harbours, which may be detrimental to the said Republic or King.

ARTICLE XIX.

THAT neither the said Republic, nor King, shall suffer the ships and goods of either of them, or of their people, which shall at any time be taken by the enemies or rebels of the other, and brought to any ports or places of the others' countries, to be conveyed away from the right owners, or transfer the property, but the same shall be restored to them, or their attornies; provided they lay claim to such ships before they are sold and unladen; and either prove their right, or exhibit testimonies to make appear their property in them, within three months after the said ships and goods are so brought in; in the mean time, the proprietors themselves shall pay and discharge the
ne-

necessary expences for the preservation and keeping of the said ships and goods.

ARTICLE XX.

THAT the people and merchants of the Republic of England, who frequent the kingdoms, dominions, and countries of the said King, upon account of trade, or who arrive at this harbour with their ships. shall not pay for anchorage, or other port charges, or any other duties or sums of money more than those which were customarily paid to the King, and the Chamber of Lisbon; but if any ill custom should introduce others for the future, they shall not be paid.

ARTICLE XXI.

THAT no manner of tribute shall be demanded from any of the people of this Republic, either in Lisbon, or in any other place, to be expended in the chapel of St. George, nor shall they be compelled to hold any personal offices, or to wear any sort of arms, or to furnish others therewith.

ARTICLE XXII.

THAT the merchants of either of the aforesaid parties, and their factors, servants, negotiators of their families, or other servitors, mariners, masters of ships, and people of the navy, may securely and freely pass to and fro in the dominions, territories, and countries of the said Republic and King; as also in their harbours,
and

and on their out-skirts: and the people and subjects of the one may have and possess dwelling-houses of their own in any of the dominions of the other; and also ware-houses for keeping their goods and merchandize, as long as they hire them, without being molested by any body. They may also wear swords, and carry with them both offensive and defensive arms, according to the usage and custom of the place, that they may the better be able to defend themselves and their goods.

ARTICLE XXIII.

THAT all goods and merchandizes of the said Republic or King, or of their people or subjects, of both parties, loaden on board the ships of the enemies of either, being there found shall be made prize, together with the same ships, and sold at public sale. But that all the goods of the enemies of either, or merchandize loaden on board the ships of either party, or of their people and subjects, shall be untouched.

ARTICLE XXIV.

THAT all just debts owing to the English by the King of Portugal, on account of merchandize taken or bought, or finally of ships loaden either before or after putting their goods or sequestration to this time, shall be paid and discharged immediately, within two years next following: and that all recognizances, bonds, and surety-ships, given and entered into by the English on account of any ships hitherto laden by the King of Portugal, or any of his subjects,
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for the ports of Brazil or Angola, and afterwards detained in any of his Majesty's harbours, or seized and occupied by Prince Rupert and Prince Maurice, or hindered in any wise by the said King, or by any of his officers or ministers from being able to perform their contracts, shall from this time forward be cancelled, broken, and made null: and that neither their persons, nor their ships nor goods, shall be put under arrest, or in any wise molested by the said King, or by any of his subjects, on account, and by reason of the said contracts.

ARTICLE XXV.

Whereas there was a convention between the new parliament, and the Ambassador Extraordinary from the King of Portugal; and the said Ambassador, in the second of the six Preliminary Articles, which were agreed to on the 29th of December, 1652, obliged himself, that all the ships, goods, monies, and debts, appertaining to any Englishmen whomsoever, which were taken and detained in the Dominions of the King of Portugal, should immediately be freely restored in specie, provided they were still of the same value, and remain in the same good condition they were in at the time when they were first detained, but if they are grown worse than they were, then satisfaction should be given for them, according to their true price or value when they were first detained. But as to the compensation of the damages, they being ascertained by a declaration of the Council, in their letter bearing date the

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fifteenth of November 1652, and therein declared by the Council, that it was not their intentions to press and demand restitution by rigour of law, but only in such manner as should be conformable to equity and reason: And that the Ambassador might witness his inclinations to procure a peace, upon this supposition he obliged himself, that the damages should be made good. In the fifth Article of the said Preliminaries, the said Ambassador farther took upon him, or engaged, that all the ships and goods of the English, which by the princes Rupert and Maurice, or by any ship whatsoever under their command, have been carried to Portugal, and there disposed of, or are still remaining, or either by them or their command, have been carried again from thence; shall either immediately be restored to their owners and proprietors, or reparation and satisfaction shall be given for them. And because some controversies are still remaining concerning the petitions or demands of the merchants and others, touching satisfaction; to the end these petitions or demands, these complaints of right and equity may be judged and determined, it was by both parties contracted, concluded and agreed upon, that the said petitions or demands about the damages and satisfactions, shall be referred, as they are by these presents referred to the judgment, award and sentence, of Dr. Walter Walker, John Crowther, Dr. Henry da Sylva, Secretary of the Embassy, and Francis Perreira Rebella, Agent in the affairs of the said Embassy, indifferent persons, and chosen as well on the part of the King of Portugal, as of the

Lord

Lord Protector ; who by these Presents are made and constituted recognizers, arbitrators, and judges, to hear and examine all and every one of the demands and complaints of every one of the merchants and masters of ships, and others who claim a right to all or any of the ships, monies, debts, merchandizes, and all other goods whatsoever, mentioned in the said preliminary articles : which arbitrators shall meet and set in the city of London, on the 20th Day of July next, O. S. and the same day they shall take a solemn oath before the Judges of the High Court of Admiralty of England, that they will renounce all favour or respect to either party, and all private interest in judging the matters to them referred ; and, by these Presents they are instituted and authorized to summon any Persons whatsoever, and to order such depositions and papers to be laid before them, as shall have any relation to the business referred to them ; and, whether they take the said oath, or not, they shall, in a summary way, examine and enquire into the truth of all these petitions and complaints, and also all and every one of the damages which were occasioned by the said arrests and detainers. And the said arbitrators are authorized by these Presents to finish all the causes above-mentioned, and to liquidate, adjudge, and finally determine, the damages or losses, as they, or the major part of them, in their discretion and consciences, shall judge to be justice and equity, and to publish their final sentence in writing under their hands ; which sentence, so published, shall bind and oblige both parties, without any appeal, revival, or redemption whatsoever. And the said King
binds

binds himself effectually to perform, keep, and observe the same, in all its members and articles, as also to pay, or cause to be paid such sum or sums of money as shall be adjudged him as aforesaid. And besides which it is agreed, that if the said arbitrators do not agree and finally determine upon the said things to them referred, before the first of September next, O. S. then the said petitions or demands, which are left undetermined by the said arbitrators, shall be submitted, as they are by these Presents submitted, to such person of the said Lord Protector's Council, as the said Lord Protector shall nominate, within any time whatsoever, after the first of September next: for which end the said Lord Protector shall by his mandate authorise such person so nominated finally to determine upon all and every one of the petitions or demands aforesaid. And if before the pronunciation of sentence by the said Counsellor, any papers should arrive from Portugal, or any procurator to solicit about any of those causes, the said Counsellor shall give them a new hearing, and the sentence which shall be given by such person so instituted under his hand and seal, shall conclude and bind both parties, and the same shall be duly complied with and executed. And for the greater caution and security that such sum of money as shall be adjudged by the said arbitrators or arbitrator may be honestly paid, it is agreed and concluded, that one moiety of the duties and customs of Portugal, arising from all the goods and merchandize whatsoever of the natives and populace of this Republic, who trade to Portugal, shall immediately after the date of this treaty

treaty, be applied to the said payment. Which moiety shall from time to time be paid to that person which the Lord Protector shall nominate: thereby giving satisfaction to the merchants, masters of ships, and proprietors, for their losses or damages.

ARTICLE XXVI.

It was concluded and agreed upon that this present peace and confederacy shall not be broken by any other league or confederacy either already made or that shall be made by the most Serene Protector of England and King of Portugal, with any other princes or Republics whatsoever; but this peace and confederacy shall be intirely kept, and its effects always remain in full force.

ARTICLE XXVII.

It was agreed and concluded that both parties shall truly and firmly observe and put in execution the present treaty and all and every one of the things therein contained and comprehended and cause the same to be observed and performed by the people and subjects of the one and the other party.

ARTICLE XXVIII.

It was agreed and concluded that the present treaty and all and every one of the things therein contained and concluded, shall be ratified by the said Lord Protector and King by the Letters Patent of both parties, adorned with the Great
Seal

Seal in due and authentic form, within six months next ensuing ; and within the said time mutual Instruments shall be delivered on both sides : and also this peace and confederacy shall immediately (after the delivery and exchange of the instruments) be proclaimed in the usual forms and places.

In truth and testimony of all which, We the Commissioners of his Highness the Lord Protector, and the Ambassadors Extraordinary of the Most Serene King, by virtue of our respective commissions and full powers, have signed the present treaty with our hands, and sealed it with our seals.

Done at Westminster, the 10th Day of July,
in the Year 1654.

A S E C R E T

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SECRET ARTICLE

Between the Lord Protector of England, Scotland and
Ireland, on the one Part ;

And the

Most Serene King of Portugal, and of the Algarves,
On the other Part.

Agreed on with the Lord High Chamberlain,

His Majesty's Ambassador Extraordinary in London.

That the people and inhabitants of England,
trading (as has been already mentioned) in
the kingdoms dominions ports or territories of
the said King shall not pay more duties and taxes
but only in the manner following viz. That
the English goods merchandize and manufactures
shall never exceed 23 per Cent. on their valua-
tion for the payments of the duties ; and they
shall be favourably valued, according to the
regimen of the Custom House, and the ancient
laws of the kingdom, and supposing there
should be any motive for raising the valuation,
by reason of a rise in the real value of goods or
merchandize, it shall not be done but by the
consent and in the presence of two English mer-
chants who reside and dwell in Portugal, and
are chosen by the English Consul ; and grant-
ing that the merchandize should fall from its
present or future exact value, the valuation
and doubt shall be determined by disinterested
persons who shall be chosen by the English Con-
sul,

ful and the officers of the Custom House, and the abovesaid Inhabitants of the said kingdom trading in the said dominions and lordships of this Republic shall pay the present taxes and duties as they are newly imposed and settled in this present month of May 1654, according to the usance and laws of the place both parties observing the laws and ordinances of each place respectively. And thus it was agreed upon and concluded, that the abovesaid article, and every thing contained therein, shall be confirmed or ratified by the said King, and by the said Lord Protector, by the Letters Patent of the one and the other party, sealed with the Great Seal, in due and authentic form, within six months next following; and within the said time instruments shall be passed or exchanged by the one and the other party.

In faith and testimony whereof we sign:
 The Commissioner of the said Most Serene King, by the force, vigour and virtue of our commissions respecting this act, and we sign this secret article with our hands and firms, and we seal it with our Manual Seals.

Done at Westminster the 10th Day
 of the month of July, 1654.

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O F T H E

P R I V I L E D G E S and L I B E R T I E S

O F T H E E N G L I S H ;

C O N S I S T I N G O F

Various ancient Provisional Laws, Alvaras, and Decrees,

Granted by several of the Kings of Portugal,

In Favour of the E N G L I S H, and others.

DON JOHN, by the grace of God, King of Portugal, and of the Algarves of this side, and beyond the seas in Africa, Lord of Guiney, and the Conquest, navigation, commerce of Ethiopia, Arabia, Persia, and the Indies, &c. To all justices, commissioners, auditors, judgers, judges, officers of justice, and persons of my kingdom, and dominion of Portugal; where, or before whom, this my present charter of priviledges may be presented, and to whom the acknowledgement thereof, by right may belong: Know, that in this my very noble, and always loyal city of Lisbon, in the court of the custom-house thereof; To me, and to my auditor, who at that time was doctor Nicholas Dias Tinoco, as Judge Conservator of the English, a petition was made, in the name, and behalf of all the
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English nation, then residing in this city; wherein they set forth, that among the laws, charters, and decrees, which the Sovereign of these kingdoms had granted in their favour, it was provided, that no bailiff, or constable, should enter their houses, to execute any warrants, or mandates, on their persons, or goods; nor, should it be done in any other place, or by any other person, but by their Judge Conservator, or by his mandate, under the penalty of twenty crusadoes forfeiture to their use; except the officers of justice, should be going in pursuit of a malefactor, detected in some flagrant fact; and that also, they were excused, or exempted from paying any manner of rates, taxes, and loans, or performing any personal services, or holding any offices of charge, whatsoever. And likewise, that they should not be imprisoned, or detained in prison, even in a criminal case, otherwise, than by the mandate of my said auditor, their Judge Conservator, without homage, according to the provisional law of the King, Don Emanuel; who, we hope, is taken into glory; and, that likewise, they were authorised to carry arms offensive, and defensive, in all this kingdom, as well by night as by day, before, or after the ringing of the evening-bell, either with light, or without light, and enter with them into the prohibited places of all this kingdom. And, in like manner, they informed me how they had been vexed, and disturbed by the scavengers, officers, who used to persecute them, notwithstanding, in order to excuse any differences, they used to send them

them one hundred reis, which they would not accept of; but, from the Portuguese, they accepted of forty reis, and less; but, because the petitioners were strangers, they condemned them in 1000 reis, or at least, in 500 reis. And, likewise, when they went out of this city about their business, the justices of the country villages used to vex and disturb them; and they would not keep, or have any regard to their said privileges, but rather put different and wrong constructions upon them, in order to vex and trouble the said petitioners, and they took away their arms, which they carried, and were authorised to carry.

They begged of me, and of my said auditor, their Judge Conservator, to declare by his dispatch, that they were authorised to use the said arms, and, that if any officer of justice had a mind to impeach them, it should be done before their Judge Conservator, and, no other judge, or justice, whatsoever, under penalty of being suspended from their offices, and falling under the lash of their privileges, and they would thankfully receive the favour done them. — This was the contents of the said petition: Together with which, Thomas Bostock, an Englishman, presented the charter of the liberties and privileges of the English nation, in which were inserted the subsequent papers and articles, viz.

DON FERDINAND, King of Portugal, &c. to thee Fernando Rodriguez, by my authority, judge of the causes relating to my custom-house of Lisbon, or to any other, who after thee shall occupy thy place, health, &c. Know thou, that it being my pleasure to favour the

English merchants, natives of the kingdom of England, and the dominions of the Prince of Wales, I give thee to them for their judge in the law-suits they have, or may have, with any persons of my dominions, on account of merchandize, bought, or sold by them, to, or from such person, or persons of my dominions.

I thee, therefore, command that thou, (or whoever may be in thy place) take cognisance of the law-suits, and causes, that between the parties abovesaid, may happen, either by complaint of the one, or the other, upon account of merchandize, as is above already expressed. And, I command, that henceforward, no others shall take cognisance of the said law-suits, besides thee, the said Fernando Rodriguez, or any other person, that, by my authority may fill thy place, as judge of my said custom-house; and, thou shalt not do any thing to the contrary, or beyond this my command. In witness whereof, I have commanded this my grant to be given in Lisbon, the 29th day of October, 1450, written by Stephen Armes, for the king Don Ferdinand.

THE KING.

DON JOHN, by the grace of God, King of Portugal, and of the Algarves, &c. To all to whom this letter shall come; We by it make known, that, whereas we are graciously pleased to favour all the English merchants of the kingdom of England, who come to the city of Lisbon, or other places whatsoever, of the
kingdom

kingdom, it is our pleasure and commands, that they shall henceforward have, and enjoy all the priviledges, and liberties, that are granted to the Genoeze, and other merchants, who, at this time come to, or reside in our kingdoms, either in the city of Lisbon, or in any other places whatsoever, within our said kingdoms. We, therefore, command all judges, and justices of the said kingdoms, and all general receivers of the revenues, scriveners, and all others whatsoever, to whom this may be presented, that they look into the said priviledges and liberties, which the said Genoeze, and others, frequenting our dominions, have obtained from these kingdoms, and have been heretofore confirmed by us; and see that they keep, observe, and fully comply with the same, in favour of the English merchants for the same cause and reason, as they strictly observe them in the favour of the said Genoeze, and other merchants, at present residing in our kingdoms, it being a new favour we shew to the said English, having before given them priviledges and liberties. In testimony whereof we have commanded this our Letter-Patent to be given in their favour, in the city of Coimbra the 10th day of August, 1400. Written by James Paes, for the King Don John.

THE KING.

DON ALFONSO, by the grace of God, King of Portugal, and of the Algarves, &c. To all to whom this our letter shall come, we, by it make known, that we priviledge all the Flemings,

ings, Germans, French and Britons, who come to reside in our kingdoms; and, forasmuch as Michael Arman, a German shoemaker, and a dweller in our city of Lisbon, is a subject of one of the said nations, which we so privilege, and he humbly imploring our favour, that we command our privilege to be given him, and considering his request, we have thought fit to shew him our grace and favour; therefore, it is our royal pleasure, and will, that from henceforward, he shall not be constrained to pay any of our demands, rates, taxes, or loans, whatsoever; nor, shall he do any services, or take upon him any charge whatsoever; or servitudes that are, or have been occasioned by us, or by our councils, upon any account whatsoever; they shall not guard either prisoners, or monies, nor shall they be tutors, or preceptors to any persons whatsoever; nor shall they be obliged to hold any manner of offices, or servitudes, under us, or our councils against their will. In like manner they shall not be obliged to go into our service, either by sea, or land, in any parts or places whatsoever; nor shall they be obliged to keep horses, arms, or mules for our service, notwithstanding any law or custom, to the contrary. In the like manner, we command that no person of what state or condition soever, shall be so presumptuous as to take from them their dwelling-houses, or cellars, or stables, nor shall they quarter therein, neither shall their bread, wine, cloaths, or any other thing whatsoever of theirs be taken from them against their will.

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We give them leave to hire and ride on beasts of burden, with saddle and bridle all over our kingdoms and dominions, notwithstanding the prohibition and ordinance made about this to the contrary. And we command our harbinger, the harbinger of the Queen our consort (who above all we prize and love) as also of the princes and lords of the said city, that in case all and every one of us should have occasions, their said houses shall not be taken from them for the use of us, or any other persons, in any manner, or by any means whatsoever. Such is our royal favour, upon pain of our displeasure, and the forfeiture of six milreis to be paid for our use by any person whatsoever, who shall act contrary to this our mandate; the which we command our collectors and receivers to levy, and receive for our use, and the scribes of their offices, shall enter it in their books, that a good and true account thereof may be kept under the penalty of paying double the sum for their neglect.

We, therefore, command all our justices, judges, officers of justice, collectors, receivers, and all other officers, and persons whatsoever, to the sight, or knowledge of whom this may come, that they shall acknowledge, and hold the said Michael Arman, German shoemaker, for relieved, and excused from the abovesaid things, and he shall not be obliged, or constrained to any of them; therefore, see that you comply with, and cause this our letter to be well and truly complied with, and kept and observed for the causes and reasons therein contained, nor shall ye do or consent, that
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any thing shall be done to the contrary hereof in any manner, or by any means whatsoever; for such is our grace and favour, that it shall so be done, and let neither one, nor the other do any thing to the contrary. Given in the city of Evora, the 28th day of March 1452. Written by Loupo Fernandes for the King Don Alfonso.

THE KING.

DON EMANUEL, by the grace of God, King of Portugal, and of the Algarves, &c. To all to whom these our letters may come, health, and desire of love. And, whereas we are accustomed to honour such as are worthy, and with liberal beneficence tread in the paths of honour: And whereas our approv'd of subject, Simon Lopes, having applied to us, with his accustomed humanity, we have heard him, and liberally granted his request, as will appear by these our letters, wherein may be seen our gracious favours in behalf of the esteemed gentlemen Anthony de Belver and Conrado Selim in their own names, and in the names of their company of noble merchants of the August and Imperial City, and other towns of Germany; wherein they signified to us their desire of settling a house of their company in this city of Lisbon, in order to negociate, trade, and merchandize in our kingdoms, if we approved of granting them some favours and liberties, which they requested of us, conformable to such as were given them in other countries; and as we have understood their request, and considered how much honour and humanity

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is due to such gentlemen, as well upon account of their persons, as being worthy of all favour, as on account of their commodious trade, which according to our opinion will be advantageous for our people; as also on account of their being imperial citizens of the August Emperor of the Romans, Maximilian our beloved cousin. For which reasons we consent to their petition with very good will, granting them the liberties and priviledges they desire, the which have never been granted to any others, or even to our own subjects, as in these letters will appear and be contained at large, viz.

In the first place, we make over a freedom to the said noble merchants, whereby they may freely negotiate, trade, sell and buy, in all our kingdoms, and dominions, either by their own proper persons, or by their factors, and servants. It is our will, and we command, that whensoever their merchandize arrives in any ship or vessel before, or in the port of, or near this city, at the time of unloading, before any thing be unladen, our discharging officers, shall first acquaint them of the time they intend to go on board; that if they please they come and bring boats with them, and therein see their goods unloaden; but if they do not come or send within three hours, a little more or less, then the said officers may unload, although the owners of the goods are on shore in the city.

It is our commands, that as soon as their goods are brought into the custom-house; they shall immediately pay the decima and siza; except for woollen cloths, of which they shall

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pay the fiza at the time of sale, according to the present practice, and as it is contained in our articles, which fizas shall be paid to the officers of the tables, whereunto such duties do belong, and they shall enter the same in their books as paid, that all doubts about the payment may be avoided for the future. And so soon as they have paid the duties, and received the said goods in their own possession, they may carry them where they please, all over our kingdoms and dominions, without being obliged to acquaint any body of their moving from place to place, or of the sales they make of the said goods, much less shall they be obliged to enter or take out a permit, from any of our offices of inland duties, nor shall they incur any penalty, or be deemed as smugglers on account of their not entering the same, or taking out a permit, for moving their merchandize from place to place, according to the method ordained by our charters, articles, and laws: and this is to be understood of such goods and merchandize as have paid our duties, and have cleared, of which they shall have certificates from our officers, that by virtue of the same they may carry, and sell their merchandize all over our kingdoms, without paying any thing more, and they shall be treated in the same manner as the Flemings, as is contained in their priviledges.

It is our will and pleasure, that no officer, nor farmer of the duties, nor any other person whatsoever, shall enter into their houses, to search, nor shall they in any wise oppress them, except by mandate of our Accomptant General: He first having information from
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some unsuspected person, or persons, making it appear, that they have in their houses some counterband, or run goods, and when such an occasion shall offer of sending to their house, it shall be done by one scrivener of the custom-house, and one of the farmers of the duties, if there be any, and without the said scrivener they shall not go to their houses to search for the said counterband goods.

It is our will and pleasure, that they shall not pay any duties, either for the provisions, or the furniture they import for the use of their house, much less shall they any duties for the woollen cloths they import for cloathing their factors and servants, allowing them two suits a year for each person; also canvass and wrappers of hemp for bags, and crocus for their merchandize, they deposing on oath, that they import all those things for their own private use, and not for sale; because, if they are for sale, they shall pay the usual duties.

It is our will and pleasure, and we command, that none of our officers of justice presume to enter into their houses, except the said Corregidor, or such as shall be sent by him, and no other, under the penalty of twenty cruzados forfeiture to their use; except the officers of justice are in pursuit of some malefactor detected in any flagrant crime; in such case they may enter into their houses.

It is our will and pleasure, that they shall carry arms not only themselves, but also their domestick servants, and attendants, so far as six of them in number, which arms they may carry by night, and by day, all over our kingdoms and dominions; as well before the ring-

ing of the evening-bell, as afterwards, with or without light, provided, however, that they do not use them otherwise, than they ought to do; and this, notwithstanding our laws to the contrary: The which servants, however, shall not be Spaniards, for none of that nation shall enjoy this liberty.

It is our will and pleasure, and our order, that any person whatsoever, who will not observe, keep, and comply with these their privileges, or doth any thing contradictory to them, such person shall incur the penalty of 50 cruzadoes, in which he shall be condemned for the use of the hospital of All Saints in this city; and by these presents we command our Accountant-General, that he knowing of any person who will not keep and comply with these privileges, according as is therein contained and declared, shall immediately cause execution to be made for levying the penalty on the said person, which shall immediately be delivered to our General-Receiver of the said hospital, and charged in the books, for every time they violate these privileges, or do any thing contrary thereunto; besides which we command all other justices and officers of justice whom it may concern, that they observe this declaration, and see that it be intirely kept and complied with, together with all other privileges they have obtain'd of us; effectually putting the said penalty in execution; forasmuch as it is our will and intention that the grace and favour we shew them shall in all things be understood to redound more to their advantage than to their prejudice; and because our pleasure is such, we have commanded this our Alvara, or
law,

law signed by us, to be given in their favour; the which shall be as valid as if it had been our Letter, registered in the Court of Chancery, notwithstanding any law or ordinance there may be to the contrary. Done in Almeirim the 7th Day of February, in the Year 1411, Written by Andrew Pireo.

By the said privilege which we have granted them, they may load their merchandize in any ships they please, as well Portuguese as strangers, trading and lading from the islands: and besides this we make them our natives; and we are just now informed, that at the Caza do Vero Pezo, the officers put doubts and difficulties to them, when they loaded their goods in foreign ships, as our said natives are wont to do; from whence it follows that it is of damage to them, to be priviledg'd persons, which was not our intention, but rather we intended to do them all favour and honour. Therefore for the declaration of which it is our will and pleasure, that as well in this case, as in any other whatsoever which they have a mind to enjoy as strangers, they may do it; because we will not have it so that their priviledges shall lessen any favour granted them as strangers, if it be possible to avoid it. And therefore they have for their priviledge, that no officer of Justice whatsoever can enter into their houses, without an order from their said Judge, under certain penalties; and we are informed that some officers and persons have meddled with them, and with things belonging to them, and have used them ill; and, in order to provide against this, it is
our

our will and pleasure, and we require, that no officer of ours, either disturb or meddle with them, or any thing that belongs to them, except their said Judges, or any by their order. And if any such case should happen, wherein their persons and their factors ought to be taken into custody and imprisoned; it is our will and pleasure that they shall be conducted to the castle by their said Judge or his bailiff in person, and not by their servants or followers; and if the cause of their imprisonment be such as will admit of bail, we command that immediately, without other delay the said bail may be taken. Thus stands the case, wherein it is so largely contained and declared, and was contained and declared in the said priviledges and petition, the which being presented to me, and by me considered, as also by my said auditor Dr. Nicholas Dias Tinoco, I therein pronounce my dispatch as followeth, viz.

Let them make use of arms as is expressed in their priviledges; and, for this end, the charters and mandates they petition for shall be granted and drawn out for them in authentic form, wherein shall be included the article that speaks of arms, and that other justices cannot enter their houses without an order from this Conservatory; and all bailiffs, constables, and all other officers of justice, that shall do any thing to the contrary, shall immediately be notified by the scrivener of the said Conservatory, that without the approbation of this court, they meddle not with these priviledged persons, under the penalty of being suspended from their offices, and fall-

falling under our displeasure. Lisbon, the 11th
of May, 1645.

TINOCO.

And this dispatch being put to the said petition, by virtue thereof this present charter of priviledges was passed or drawn out in authentic form, for all in general, and every one in particular; by which I command, so soon as this shall be presented to you, being first registered in my Chancery, you comply with it, and keep it, and cause that it may be very intirely complied with, and kept, in the manner as is therein contained; and in complying therewith, ye shall not hurt, molest, nor vex the said Thomas Bostock, nor his servants and factors; nor shall ye do, or cause to be done, any act or acts, as serving writs, warrants, &c. upon him, or his house, except it be done by the mandate of the said my auditor, his competent Judge Conservator, and not by the mandate of any other judge, without approbation of this Conservatory; it being so decreed them by a charter granted in favour of the English, by the King Don Emanuel (who we hope is taken into glory.) But rather ye shall render, or cause to be rendered him all favour and honour. The which let one and another so comply with, and nothing to the contrary shall ye do, nor shall ye put any doubt or delay to the observance of it; lest the penalty of 50 cruzadoes be levied upon you, and ye fall under the lash of the said priviledges, and of being suspended, &c.

Given

Given in this very noble and always loyal city of Lisbon, and Court of the Custom-House, and Conservatory thereof, the 4th day of the month of November, from the Year of the birth of our Lord Jesus Christ, 1647.

The King our Lord sent this by Dr. Anthony de Faria Machado, his Judge Advocate, and his Auditor, &c. &c. &c.

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A B O U T

Englishmens' not being served with any
Executions ;

Without an Order from their Judge Conservator.

ON the part, and in behalf of the English nation, it was represented to me, that it being granted them by the 13th article of the treaty of peace, that no judger, or other officer of justice, could order to be seized, or taken into custody any subject of the King of Great-Britain, my good brother and cousin, for any cause, either civil or criminal, without first having an order for so doing from the Judge Conservator ; the said article is so little regarded that Englishmen are every day seiz'd and taken into custody, without the precedency of such order from the Judge Conservator ; so that the said article is by no means observ'd, or complied with ; and because, according to the wording thereof, it is said, that only in flagrant crimes the English could be imprison'd by any of my ministers, and in other cases, recourse ought to be had to the Conservator, or that he should write his consent to the orders of other Judges before they should be valid :

H

I re-

I recommend to the Lord Chief Justice of the House of Supplication, that he cause the said article to be observed in its due form. In Lisbon, the 23d of August, 1667.

K I N G.

W H E A T,

Which is brought from the Islands, or from any other parts, beyond the seas, may be imported free of duties in any parts, or places of this kingdom.

I the King, make known to whom this my Alvara, or Law may come, that by the courts, which I held in this city of Lisbon, on the 28th of January, 1641, a reply to which I commanded to be given, in the year 1642, it was requested of me by the state, in chapter 55, that I would please to exempt all wheat imported from the Islands, and other parts beyond the seas, from paying any duties in this kingdom, it being a provision absolutely necessary for the inhabitants thereof: And, as I have maturely considered the convenience and good of the common-weal of the kingdom, and other subjects, and for other reasons, for which I am accustomed to grant what is requested of me by temporal laws, and by their means to shew grace and favour; it is my will and pleasure, that the wheat which comes to this kingdom, as well from the Islands, as from any other

other parts beyond the seas, shall not pay any manner of duty; from which it shall be exempted, and free for ever. I therefore, command the inspectors of my treasury, judges, justices, commissioners, and all other officers of justice, and other persons of these kingdoms, and dominions, to whom this my Alvara, or Law may be presented, and to whom the acknowledgement thereof doth belong, that they comply with it and keep it; and cause it to be entirely kept, observed, and complied with, according as is therein contained; without putting the least doubt, or contradiction to it; because such is my grace and favour: and it shall be register'd in the books of my treasury, and of the Custom-house, and its regimens, and all other places where it may be necessary, that it may come to the notice of every body; and it shall be valid, as if a law made in court, and a charter given in my name, and sealed with the Seal-Pendent, notwithstanding the ordinance in the second book, title the 40th, to the contrary. Anthony de Morais writ it in Lisbon, the 25th of May, 1647.

K I N G.

H 2

Of

Of the Things, which owe no Duties,

In this City of Lisbon ;

Taken from the 12th chapter of the book of Rates of the Custom-house.

ALL wheat, barley, rye, Indian corn, and pulse that are brought into this city from any foreign parts whatsoever, shall not pay any manner of duties in this custom-house; nor flesh-meat, cheese, or butter; forasmuch as I have shewn favour to the chamber and people of the said city, to free the said things from duties; and, in the same manner, arms, powder, horses, gold, silver in lump, or in coin, and books, shall not pay any duty whatsoever in the said city, and custom-house thereof. But all other things, and any kinds of merchandize, of what sort or quality soever, which belong to this custom-house, and are brought thereto by sea, or by land, as is already said, although express mention should not be made in the said books of rates, of every specie of goods, in particular, yet they shall pay the said duties of 10 per cent. for the decima, and 10 per cent. for the siza; and this, because the said merchandize and things, shall pay the same duties of 20 per cent. in all and every one of the custom-houses of this kingdom, Islands and dominions hereof; and the people, who bring them to the said custom-house of Lisbon, shall bring with them certificates from the officers of the other custom-houses, from whence they came to make ap-
pear

pear, that they have paid the duties, forasmuch as otherwise they will be obliged to pay the duties in this city, for any goods that are brought to the custom-house thereof. This is all that was expressed in the said 12th chapter, which, by order of the commissioner of the custom-house James Soares, the Notary Luis da Costa has taken this copy of, in authentick form, the 2d of August, 1668.

A

PROVISION, or LAW :

Whereby the English are exempted from paying Decima on their stock, and from being obliged to take upon them any charge in war.

I the King make known, to whom this Alvara, or Law, shall come, that as I am desirous to oblige the English nation, with particular marks of my royal favour, on account of the ancient friendship, or alliance which I have had with that crown, and now in particular, in respect of some motives which induce me to it: it is my will and pleasure to shew grace unto the English merchants, and others of the same nation, residing in these kingdoms and dominions of Portugal, who havenot been therein naturalized, by exempting them from paying the decima on their stock, which all the other dwellers in this kingdom pay : And I
grant

grant them liberty, that they shall not be obliged to keep horses; and if they have any for their own service, they shall not be taken from them against their will, nor shall they be oblig'd to any other charge of war. And because the publication of this priviledge may be followed with great inconveniencies, this alvara or law shall remain in all secrefye; and for the better keeping it so, it shall not go out of the hands of the English Consul for the time being residing in my Court; nor shall it be registered in any other book but in that of Secrets, in the Secretary's Office, in the expedient or original writing from whence this was transcribed in Alcantara, the 29th of May 1656. And I Peter Severinde Noronha wrote this by particular command of his Majesty, whom God preserve.

K I N G.

Of such things as owe no Duties whatsoever;

Which are as follow, viz.

PULSE from England Scotland and Ireland, New-England, and its dominions; that is to say, beans, pease, lentils, wheat, barley, Indian corn large sort, ditto small sort, rye, butter, cheese, gun-powder, horses, gold, silver, in lump or in coin, books, flesh-meat of any sort whatsoever; concerning which there is a sentence

tence against the contractors or farmers of the inland duties on flesh, obtained by Henry Bomelman, in the years 1645 and 1646, pronounced in Court, the said farmers being plaintiffs, and the said Bomelman defendant; wherein it was decided, that the things in dispute owed no more than 40 reis for the entry, and 200 reis for the guard; which sentence lies in the office of the Escrivener, Christopher de Campos. Also no duty shall be paid for biscuit, or any other species of Bread, cannon-shot of iron or bell-metal, bandeliers, pikes, and muskets. But however these things ought to pass through the Custom-House, and the accoutrements of war be offered to the service of the King; and, if he has no occasion for them, then the owners thereof may carry them where they please.

A L V A R A,

A L V A R A, or a L A W

In Favour of the E N G L I S H :

Allowing them to repute their ships as Portuguese, which pay no duties going from Lisbon to the Western Islands, and other Conquests belonging to the Crown of Portugal ; which are word for word in the manner following : viz.

In the King make known, to whom this Alvara or Law may come, that the English merchants residing in the Western islands sent to acquaint me by their petition, that I had been pleased to command, among other agreements and resolutions of the Treaty of Peace lately concluded with the Lord Protector of England, that they might transport and carry any sort of merchandize, which had paid the duties in any one port, to any other ports or places, without paying any more duties, or any manner of tribute, besides what is paid by the native Portuguese themselves, for the goods that belong to them ; and that having once paid their duties in this city, they shall not pay again any sort of tribute in any other port ; and that the English ships which are freighted by Portuguese, shall not pay more duties than is paid for the goods navigated in Portuguese vessels ; as will appear by the tenth and eleventh articles of the treaty, the authentic tenor whereof was by them presented. And whereas the said articles were not duly observed, and complied with in the said islands, but, on the contrary, the English

lish, were vexed and disturbed with doubts and molestations, and that the natives of the Islands had unjustly extorted a great deal of money from them, since the said articles of peace were made and publish'd; whereas, in the observance thereof, due regard ought to have been had to the exemptions I granted to the English, because the Royal Mandates ought always to be effective, and the transgressors of them punished.

Therefore, they requested of me, that I would please to favour them with my provisional law, to oblige the Ministers of the said Islands, to whom the observance of what is contained in the said articles doth belong, that they comply with the same, and observe, and keep them, in the manner as is therein expressed; and, that they should not consent to the molestation of the petitioners, nor take from them more than they ought to pay, and that restitution should be made of what they had hitherto been unjustly obliged to pay. Considering what they alledged, and the form of my orders, which had been given on such like matters, they hoped I would grant their request, and with all humility they would thankfully receive the favour.

I, having seen and considered the said petition, did thereupon send my decree, dated the first of June, of this present year, wherein it was written, that a provisional law should be prepared and passed by the council of my treasury, in favour of the said petitioners, conformable to the articles of peace; and if it should appear to the said council, that there was any thing in the matter, necessary to be

I
represented

represented to me, they should do it immediately. And in compliance with this my order, the council gave their dispatch, that the said provisional law should be made and passed, in the form ordained by my said decree, and that the articles of peace mentioned in the said petition, should be requested from the Secretary of State's office, which was accordingly complied with; but, as the said articles are written in Latin, they were translated into the Portuguese language, and are as follows, viz.

[Here followeth Articles the tenth and eleventh, which are wrote in full length, in folio 11.]

Wherefore, I command the commissioners of my treasury, and all other ministers and officers thereof, and the justices of the said Islands, and all other persons to whom this my provisional law may be presented, and the acknowledgement thereof doth belong, that they comply with it, and keep it intirely; and that they cause it to be observed, complied with, and kept, in conformity to the articles herein translated, without any manner of doubt, or contradiction; because such is my will and pleasure: And it shall be valid, though its effect should last more than one year, notwithstanding the ordinances, or regimens, that may be to the contrary; the which shall be register'd in the books of the custom-house, that it may be publickly known to all people. Anthony Velloso Estafo writ it in Lisbon, the 4th of July, 1657; and John Pereira Bitancur ordered it to be transcribed.

QUEEN.

ALVARA

A L V A R A :

Or a L A W to exempt the English from paying Brokeridge against their Will.

I the King, make known, to whom this Alvara or Law may come, that having a regard to what the English merchants residing in the Island of Madeira, sent to inform me of by their petition, requesting that I would please to order my provisional law to be passed, in order to prevent the brokers from obliging them to pay brokeridge, unless they of their own accord, and free-will, thought fit to employ them, according to the third article of the last treaty of peace with England: And, having seen what they alledge, and likewise, the information given by Dr. Manoel da Cunha, Conservator of the English, together with the answer given upon this by my Attorney-General: It is my will and pleasure, and command, that the brokers shall not oblige the English to pay brokeridge, except the said English shall freely, and of their own accord, employ them, as they request in their petition; having considered the articles of peace, and likewise, the said answer of my Attorney-General. And this Alvara, or Law, shall be duly complied with, in the manner as is therein contained; and it shall continue in force, though its effect may last more than one year, notwithstanding the ordinance in the second book, title the 40th, to the contrary; Emanuel de Couto writ it in Lisbon, the 27th of January, 1661, and sent this by two conveyances. Jacinto Facundes Bezerra ordered it to be transcribed.

QUEEN.

ALVARA

A L V A R A, or a L A W,
WHICH THE
KING, DON ALPHONSUS VI,

Granted, at the request of the English merchants, on account of such cases in law, that may take place in the Conservatory, even with such persons as are priviledged.

I the King make known, to whom this Alvara or Law may come, That the merchants of the Crown of England represented to me, that, notwithstanding the Conservatory, which by an article of peace I have granted them for their causes, they are obliged to litigate in other courts, under pretence, that the words of the general concession do not abrogate the priviledges granted in law, and are enjoyed by their contenders, which is a great hindrance to trade, they being obliged to attend various courts, and delay their causes, with trials about preferences. And because, in all things which are not repugnant to justice, I desire to favour the subjects of the King of Great-Britain, my good brother and cousin, I have ordered this matter to be examined with all due consideration, and it has been my pleasure to resolve, that the said Conservatory shall take place, even with such as are priviledged, and with priviledges which are incorporated in law, either upon account of persons, or upon account of things; such as officers of the mint, of the court of India, and mines, and other such

such like; that every body in causes which proceed from trade, shall be obliged to answer, or litigate, whether they are plaintiffs, or defendants, in the said Conservatory, notwithstanding any laws, or ordinances, whatsoever to the contrary: Therefore, for this effect, it is my will and pleasure to annul them; but, however, with the declaration it is not my intention by this concession, to alter any thing whatsoever, belonging to the judge or court of my exchequer, upon account of the quality of the matters and things therein transacted; and it is always to be understood that appeals are to be made from the said Conservator of the English, to whom they belong, as has been hitherto practised. And this Alvara or Law shall be complied with, in the manner as is therein contained; and it shall be valid, though its effect may last more than one year, notwithstanding the ordinance in the second book, title the 40th, to the contrary. Emanuel de Couto writ it in Lisbon the 16th of September, 1665. Jacinto Facundes Bezerra ordered it to be transcribed.

K I N G.

THE Superintendant of the collectors of the 4 1-half per cent. of the parish of St. Paul in this city, notwithstanding the order given him in this junto or council, shall not oblige the subjects of the Catholic King, the French, English and Hollanders, who are not naturalized, to pay what was charg'd to them on their flock; and those who have lands in this kingdom, and are not naturalized, shall pay only what is charged on the said lands; his Majesty having

ing declared it so by his decree of the 9th of the present month of July. And all other strangers of other nations, ought to pay what is charged them on their stock ; Because, in order for them to enjoy this priviledge, it is necessary they should shew what they have to entitle them to it, that it may be observed and kept accordingly. And this dispatch shall be recognized in the office of the Accomptant General of war. Lisbon the 18th of July, 1699, with four firms of the ministers of the junto of the three States. Registered, Folio 106.

TRANSCRIPT of the RESOLUTION

About the TAX on STOCK.

IN the book of advices from the counties and hundreds, which serves in this office of the Accomptant-General of war and the kingdom, in folio 211, is registered the order given to the auditor of the town of Crato, about the particular things mentioned in this provision; of which tenor, other orders have been given to all the rest of the ministers and superintendants of the parishes of this city, and its districts ; of which the following is a transcript.

P R O-

PROVISIONAL, Fol. 211. of the BOOK,

N U M B E R XII.

DON John, by the grace of God, &c. I make known to thee, auditor of the hundred of Crato, that I am informed by the consultations of the junto of the three States, that the subjects of several different nations dispute the payment of the tax on their stock, which they were charged with, under pretence that they are privileged by the articles of peace which free them from paying the said tax. I was pleased to resolve on the 28th of April last, that the French, and the subjects of other nations, ought to pay the tax on stock, which was charged to them according to their trade, and that the subjects of the Catholic King, my good brother and cousin, and those of England and Holland, ought to be exempted from this contribution; but, however, such as are naturalized, notwithstanding the privileges of England and Holland ought to pay the tax on stock, in the same manner as the natives of this kingdom do. And I send you this advice of my said resolution, that thou mayest observe it in that hundred, in the part which concerns thee; and due notice shall be taken of this order in the office of the Accomptant-General of war. The King our Lord sent this by Don Philip de Souza, Captain of his royal guards, and by Francis de Mello, Forester-General of the kingdom, both deputies of the junto of the three States. Lewis Simeons de Azevedo writ it in Lisbon, the 7th of May, 1708. Gaspar Salgado, who serves

as Secretary, ordered it to be transcribed. Accordingly, these are the contents of the said priviledges, which in every thing shall be duly complied with, according as is therein contained; and by virtue hereof, they shall be observed and kept, and every one shall comply with them; and nothing to the contrary shall ye do, &c. And this is registered in my Chancery of the accounts of the kingdom and palace. Given in this city of East Lisbon, the 8th day of the month of February, from the year of the birth of our Lord Jesus Christ, 1717.

A T R E A T Y

A

TREATY of COMMERCE

BETWIXT

THE MOST SERENE LADY

ANNE, Queen of GREAT-BRITAIN;

AND

THE MOST SERENE LORD

Don PETER, King of PORTUGAL,

And of the ALGARVES, &c.

Agreed upon and concluded in Lisbon, the 27th of
December, 1703.

P R O L O G U E.

WHEREAS the league and strict friendship which is between the Most Serene and Most Potent Princess ANNE Queen of Great-Britain, and the Most Potent PETER, King of Portugal, requires that the commerce of both the British and Portuguese nations should be promoted as much as possible; and Her Sacred Royal Majesty of Great-Britain hath signified to His Sacred Royal Majesty of Portugal, by the most excellent John Methuen, Esq; member of the English Parliament,

K

and

and Ambassador Extraordinary in Portugal, that it would be very acceptable to Her, if the woollen cloths, and the rest of the woollen manufactures of Britain might be admitted into Portugal, the prohibition of them being taken off: That this matter might be treated and transacted, they have given their full power and commands; that is to say, Her Sacred Majesty of Great-Britain to the abovesaid most excellent John Methuen, and His Sacred Majesty of Portugal to the most excellent Don Emanuel Telles, Marquis of Alegrete, Conde da Villa Major, Knight professed in the Order of Christ, &c. &c. &c. who, by virtue of the full powers to them respectively granted, having maturely and diligently considered the matter, have agreed upon the following articles, viz.

ARTICLE I.

His Sacred Royal Majesty of Portugal promises, both in his own name, and that of his successors, to admit for ever hereafter into Portugal, the woollen cloths, and the rest of the woollen manufactures of the Britons, as was accustomed till they were prohibited by the laws; nevertheless upon this condition, that is to say,

ARTICLE II.

THAT Her Sacred Royal Majesty of Great-Britain, shall, in her own name, and that of her Successors, be obliged for ever hereafter to admit the wines of the growth of Portugal into Britain; so that at no time, whether there shall be peace or war between the kingdoms of Britain

tain and France, any-thing more shall be demanded for these wines by the name of custom or duty, or by any other title whatsoever, directly or indirectly (whether they shall be imported into Great-Britain in pipes or hogi-heads, or other casks) than what shall be demanded for the like quantity or measure of French Wine, deducting or abating one half of the custom or duty. But if at any time this deduction or abatement of customs, which is to be made as aforesaid, shall in any manner be attempted and prejudiced, it shall be just and lawful for his Sacred Royal Majesty of Portugal, again to prohibit the woollen cloths, and the rest of the British woollen manufactures.

ARTICLE III.

THE most excellent Lords the Plenipotentiaries promise and take upon themselves, that their above-named Masters shall ratify this treaty, and within the space of two months the ratifications shall be exchanged.

For the faith and testimony of all which things, I the Plenipotentiary of Her Sacred Royal Majesty of Great-Britain, have confirmed this treaty by the subscription of my hand, and by the seal of my coat of arms: And the most excellent Lord the Plenipotentiary of His Sacred Royal Majesty of Portugal, for avoiding the controversy about precedence, between the two Crowns of Bri-

(68)

tain and Portugal, hath subscribed another instrument of the said tenor, changing only what ought to be changed for that reason.

Given at Lisbon, the 27th of the month of December, 1703.

JOHN METHUEN.

L. S.

A NEW

A
N E W L A W,
CONCERNING THE
D I A M O N D S
FOUND IN THE
M I N E S of B R A S I L.

DON JOHN, by the Grace of God, King of Portugal, and of the Algarves, on this side, and beyond the seas in Africa, Lord of Guinea, and the Conquest, navigation, commerce of Ethiopia, Arabia, Persia, and the Indies, &c. I make known to whom this my law may come, that as the mines of diamonds which are found in my dominions, do belong to me in the same manner, and by the same title, as all the mines of metals, I have therefore a right to make such reserves of them as I may think proper; and as, by the custom of those dominions in which diamonds are found, such as are of a special greatness are reserved for the Sovereign, Therefore it is my will and pleasure, that even in the countries in which, by my permission, diamonds are extracted (besides the other precepts and regulations prescribed by the laws, and such as I have been pleased to give) all diamonds that are of the weight of twenty carats,
or

or upwards, shall be reserved for my use, and the persons who find them, or take them out of the mines, shall deliver them immediately, within thirty days (to be counted from the time of their finding or taking them up) into my mints, or to the next neighbouring ministers, that they may remit them to the mints; of which delivery an entry shall be made by the Scrivener who has the charge of that office, which he shall be obliged to remit to the Governor. And such diamonds being manifested and delivered by any slave whatsoever, that slave shall be made free, and he shall have his charter of freedom granted him, and drawn out in my name by the Superintendant of the mint, or by the minister to whom he made such delivery; and to his owner shall be given four hundred milreis for the value of the said slave, which shall be paid him in the said mint, where the said diamond was delivered or remitted to. And if the delivery be made by a freeman, to him the said freeman shall be given the same four hundred milreis, And all the diamonds of the weight of twenty carats, or upwards, which may be found henceforward, and not delivered in the manner above-mentioned, it is my will and pleasure that they shall be forfeited to my use, whose hands soever they may be found in; of which all or any persons may impeach, inform, or denounce, and their denunciation being prov'd, and the diamond taken into custody, they shall receive four hundred milreis as a reward, to be paid them only out of my treasury. And if the informer be a slave, that slave shall have his liberty given him, and his owner shall receive four hundred milreis for
the

the value of him, except the information of the slave be given against his master ; for then in such case the slave shall be free, and two hundred milreis shall be given him, and both the freedom and the premium shall be paid and complied with, after the denunciation is adjudged to be good ; and the master shall have nothing for the value of his slave, but he shall incur the penalties here-under declared. And, in the same manner such may be informed against, who finding or taking out diamonds of the weight of twenty carats, or upwards, do clandestinely hide, smuggle, or secret them, and not manifest and deliver them in the manner above prescribed ; which persons, besides the loss of the diamond, or its value, I command shall incur the penalties establish'd against those who smuggle, secret, or run gold ; and, being a slave, he shall undergo the punishment of being whipt and confined to the galleys during his life. In like manner such persons may be informed against, who send such diamonds out of the kingdom ; which persons, besides the loss of the value of the diamonds, shall incur the penalty of being banished ten years to Angola, and confiscation of all their goods ; and those informations being given by the slaves of such delinquents, the said slaves shall have their liberty given them as a reward. But if the information be given by a slave belonging to another person, then, besides the slave's being set at liberty, his master shall receive four hundred milreis for the value of him, as is declared above.

And because it is not my royal intention to comprehend the diamonds that have been taken
out

out of the mines to the time of the publication of this resolution, it is my pleasure that all persons who have diamonds in their possession that weigh twenty carats or upwards, which were taken out of the mines before the publication of this resolution, do manifest them within two months (to be counted from the day of the publication hereof) before any of my auditors of the state of Brasil, and the other ministers of this kingdom, and in all my dominions where such diamonds are; and that they deliver them to the said ministers to be remitted to this court, and delivered into the mint thereof, in order that they may be purchased for my use, at the just valuation that shall be put upon them. And such as are not manifested and delivered within the said space of time, shall be reputed as discovered or found after the said publication, and they shall be irremissibly lost or forfeited to my use in any hand whereinfoever they may be found: which persons may be impeached, informed of, or denounced against, and the informers shall have the same reward, and the delinquents the same punishment as abovementioned; and in the same manner may be impeached such as are accomplices or abettors in the smugglings here prohibited: and on them shall be executed the same punishments in this resolution established, and the informers shall have the same rewards.

Wherefore I command the Lord Chief Justice of the House of Supplication, Governor of the High Court of King's-Bench, and the House of Oporto, Vice-King of the State of Brasil, or whoever fills that place, Judges of the said Courts, Governors of the Conquests,
and

and all justices, commissioners, auditors, judges, officers of justice, and persons of these my kingdoms and dominions, that they observe, comply with, and keep this my law, and cause the same intirely to be observed, complied with, and kept, as it is therein contained : And that it may come to the notice of every body, in order to cut off the allegation of ignorance, I command my Chancellor-General of these kingdoms and dominions, or whosoever fills his place, that he cause it to be published in the Chancery, and send transcripts thereof, under my seal and his firm, to all the justices of the counties and hundreds of these kingdoms, and to the auditors of the donatory countries, in which the justices do not enter into visitation ; whom I command to proclaim it immediately in the places where they are, and cause it to be proclaimed in all their hundreds and tithings ; and it shall be registered in the books of my Disembargo, and House of Supplication, and of Oporto, and in the Ultramarine Council, and all other places where such like laws are used to be registered ; and this original shall be deposited in the Tower of Records. Given in West Lisbon, the 24th of December, 1734.

K I N G.

L C O P I E S

C O P I E S
OF THE
TWELFTH and THIRTEENTH ARTICLES
OF THE
TREATY made betwixt the CROWNS
OF
ENGLAND and PORTUGAL,
AT THE
MARRIAGE of CHARLES the SECOND,
JUNE 23, 1661.

Taken from Fol. 1. of the Register-Book, by Petition
made by Consul P O Y N T Z, to his Majesty
Don J O H N, December 12, 1716.

TRANSLATED.

A R T I C L E XII.

I N order that the subjects of the King of
Great-Britain may enjoy greater advantages
in trade and commerce in all the dominions of
the King of Portugal, it was agreed ; That if
the merchants and factors (besides the privi-
ledges which were granted to them by the first
treaties) ask, in virtue of this, to reside in all
places

places where they have a mind especially, they may inhabit and enjoy the same priviledges and immunities, as far as relates to trade, as the native Portuguese, in the cities and places of Cochim and Dio, provided that the subjects of the King of Great-Britain, that are to reside in the above places do not exceed the number of four families in each of them.

A R T I C L E X I I I .

THE same priviledges, liberties and immunities, shall be enjoyed by the subjects of the King of Great-Britain, in the place of Bahia de todos os Santos, Pernambuco, and Rio de Janeiro, and in all other the dominions of the King of Portugal in the East Indies.

F I N I S .

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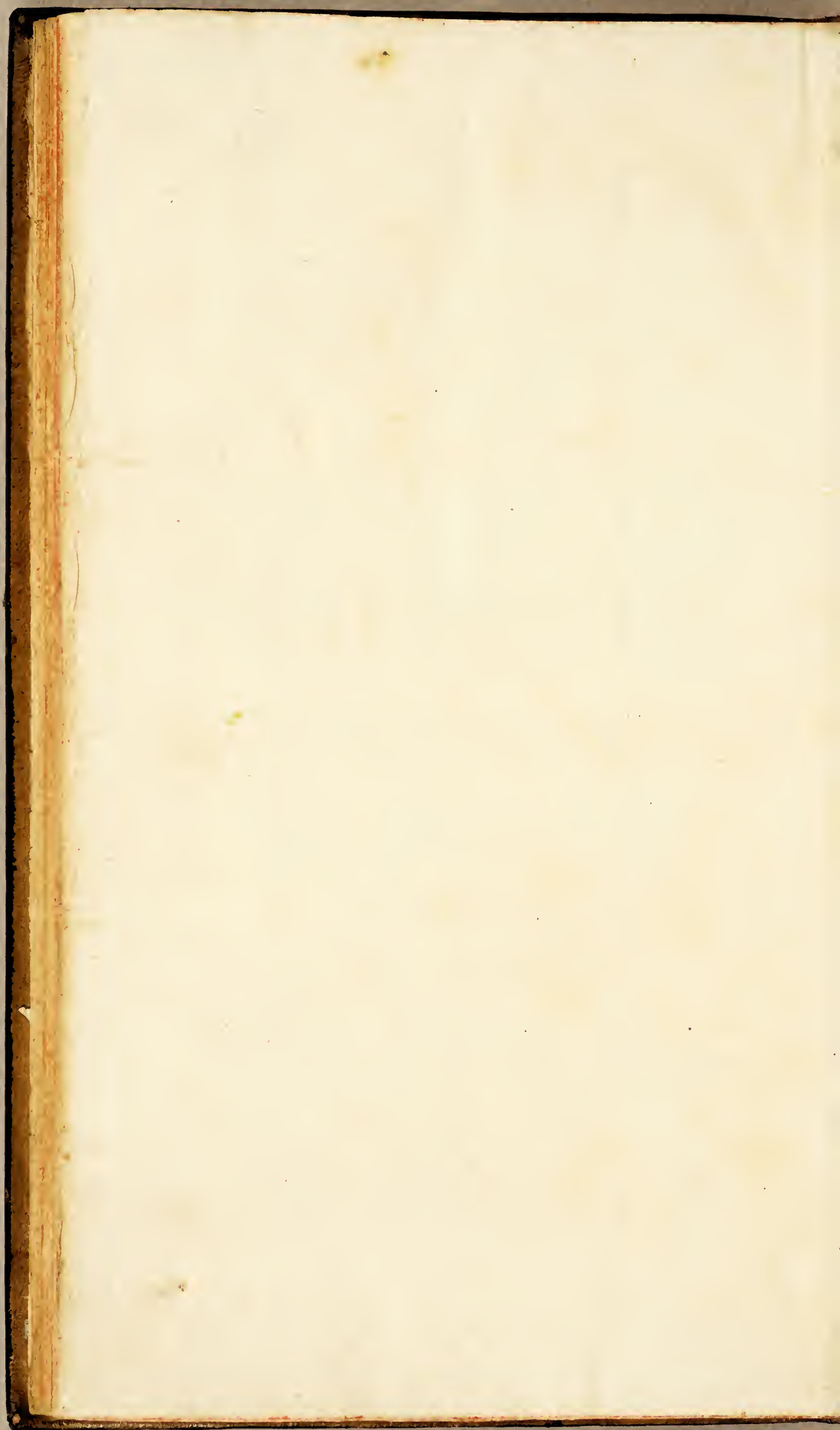
1848

The following is a list of the names of the persons who were present at the meeting of the Board of Directors of the City of New York, held on the 17th day of April, 1848.

JOHN C. WELLS, Mayor.

JOHN C. WELLS, Mayor.
JOHN C. WELLS, Mayor.
JOHN C. WELLS, Mayor.
JOHN C. WELLS, Mayor.
JOHN C. WELLS, Mayor.

JOHN C. WELLS, Mayor.



cc - rcc - 1/12/01

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